

Claim 12 has been rejected under 35 U.S.C. § 103 as allegedly being rendered obvious by the combination of O'Toole et al., Banerjea et al. and Bremer et al. (i.e., U.S. Patent No. 7,020,266)

Applicants respectfully traverse these grounds of rejection for at least the following reasons. *The above grounds of rejection must be withdrawn as Banerjea et al. is not prior art to the subject patent application.* Specifically, Banerjea et al. is a U.S. Patent Publication and thus is effective as a reference as of the earliest U.S. filing date of the published patent application. The earliest effective filing date of the Banerjea et al. is *December 14, 2000*. See MPEP § 901.03

The subject patent application claims priority under 35 U.S.C. § 119 (a) to (d) based on Canadian Patent Application No. 2,303,631 filed on *March 31, 2000*. A certified copy of Canadian Patent Application No. 2,303,631 was filed in the United States Patent and Trademark Office on August 7, 2001. The Official Action dated November 29, 2006 acknowledged Applicants' claim of priority and receipt of the certified copy of the priority document.

The substance of independent Claims 1, 15, 18 and 20 is provided below with cross-references to examples of portions of the priority document that provide support for the claimed inventions.

### **CLAIM 1**

A line interface for coupling a twisted pair telephone line with a communications network. (See Priority Document, p. 3, lines 6 and 7 and Figure 3, reference numeral 60) The line interface comprises a broadband analog front end circuit (See Priority Document, p. 3, lines 26 and 27 and Figure 3, reference numeral 62) coupling the twisted

pair telephone line (See Priority Document, Figure 3, reference numeral 12) with the line interface and a programmable filter (See Priority Document, Figure 3, reference numeral 66) coupled to receive an output signal from the broadband analog front end circuit and configured to filter frequency bands of the output signal into a plurality of separate, variable bandwidth transmission channels. (See Priority Document, p. 3, lines 8 to 11, p. 4, line 5 to p. 6, line 20 and Figures 4, 6(d) and 6(e)) The plurality of separate, variable bandwidth transmission channels are associated with the communications network and the frequency bands and the variable bandwidths are determined by programming the programmable filter. (See Priority Document, p. 3, lines 6 to 11 and p. 6, lines 9 to 28)

#### **CLAIM 15**

A method of providing a plurality of services (See Priority document, Figure 4) over a twisted pair telephone line (See Priority Document, Figure 3, reference numeral 12), comprising the acts of: receiving a broadband analog signal from the twisted pair telephone line (See Priority Document, p. 4, lines 3 and 3; and, Figure 3); filtering the broadband analog signal using a programmable filter (See Priority Document, Figure 3, reference numeral 66) into a plurality of separate bands wherein the plurality of separate bands are determined by programming the filter to generate a plurality of variable bandwidth channels (See Priority Document, Figures 3, 4, 6(d) and 6(e); and p. 4, line 5 to p. 6, line 20); and transmitting the plurality of separate bands to a plurality of different service providers (See Priority Document p. 4, lines 27 to 29).

#### **CLAIM 18**

A line interface for coupling a twisted pair telephone line with a communications network. (See Priority Document, p. 3, lines 6 and 7 and Figure 3, reference numeral 60)

The line interface includes a broadband analog front end circuit (See Priority Document, p. 3, lines 26 and 27 and Figure 3, reference numeral 62) coupling the twisted pair telephone line (See Priority Document, Figure 3, reference numeral 12) with the line interface and a programmable filter (See Priority Document, Figure 3, reference numeral 66) coupled to receive an output signal from the broadband analog front end circuit and configured to filter frequency bands of the output signal into a plurality of different transmission channels. (See Priority Document, p. 3, lines 6 to 11, p. 4, line 5 to p. 6, line 20 and Figures 4, 6(d) and 6(e)) The plurality of different transmission channels include a first transmission channel having a first variable frequency bandwidth and a second transmission channel having a second variable frequency bandwidth wherein the programmable filter can be programmed to adjust a band edge of either the first transmission channel or the second transmission channel to increase or decrease the first and second variable frequency bandwidths, respectively. (See Priority Document, p. 3, lines 6 to 11, p. 4, line 5 to p. 6, line 20 and Figures 4, 6(d) and 6(e))

#### **CLAIM 20**

A method of providing a plurality of services (See Priority Document, Figure 4) over a twisted pair telephone line (See Priority Document, Figure 3, reference numeral 12). The method includes the steps of: receiving a broadband analog signal from the twisted pair telephone line (See Priority Document, p. 4, lines 3 and 4; and, Figure 3); filtering the broadband analog signal using a programmable filter (See Priority Document, Figure 3, reference numeral 66) into a plurality of separate frequency bands including a first transmission channel having a first variable frequency bandwidth and a second transmission channel having a second variable frequency bandwidth;

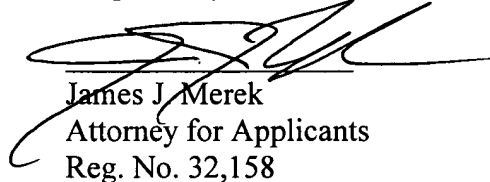
programming the programmable filter to adjust a band edge of either the first transmission channel or the second transmission channel to increase or decrease the first and second variable frequency bandwidths, respectively (See Priority Document, Figures 3, 4, 6(d) and 6(e); and Specification, p. 4, line 5 to p. 6, line 29); and, transmitting the first and second transmission channels to different service providers. (See Priority Document, p. 4, lines 27 to 29).

Because all independent claims are clearly supported by the priority document, these claims are entitled to the filing date of March 31, 2000. As such, Banerja et al. does not qualify as prior art to the subject patent application. Applicants note that Banerjea et al. is essential to each of the rejections set forth in the Official Action dated November 29, 2006. Therefore, Applicants respectfully submit that these rejections must now be withdrawn.

It is believed that no fees are due. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 50-0562 and notify the undersigned in due course.

Date: 2/28/07

Respectfully submitted,

  
James J. Merck  
Attorney for Applicants  
Reg. No. 32,158

MERCK, BLACKMON & VOORHEES, LLC  
673 South Washington Street  
Alexandria, Virginia 22314  
(703) 684-5633